

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 5:11-CR-95-D

UNITED STATES OF AMERICA

v.

CHARLIE LOUIS JONES,

Defendant.

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**ORDER**

On July 5, 2011, pursuant to a written plea agreement, Charlie Louis Jones ("Jones") pleaded guilty to conspiracy to possess with the intent to distribute 500 grams or more of cocaine. See [D.E. 25, 26, 57]. On December 13, 2011, the court held Jones's sentencing hearing. See [D.E. 43, 44]. At the hearing, the court adopted the facts set forth in the Presentence Investigation Report ("PSR"). See Fed. R. Crim. P. 32(i)(3)(A)-(B). The court calculated Jones's total offense level to be 31, his criminal history category to be V, and his advisory guideline range to be 168 to 210 months' imprisonment. See Resentencing Report. After granting the government's motion under U.S.S.G. § 5K1.1 and thoroughly considering all relevant factors under 18 U.S.C. § 3553(a), the court sentenced Jones to 138 months' imprisonment. See id.; [D.E. 44]. Jones did not appeal.

On November 17, 2014, Jones filed a pro se motion for a sentence reduction [D.E. 73]. On June 2, 2015, through counsel, Jones moved for a sentence reduction under 18 U.S.C. § 3582(c)(2), U.S.S.G. § 1B1.10, and Amendment 782 [D.E. 75]. On November 18, 2015, Jones filed a memorandum in support of his motion for a sentence reduction [D.E. 77]. Jones's new advisory guideline range is 140 to 175 months' imprisonment, based on a total offense level of 29 and a criminal history category of V. See Resentencing Report. Jones requests a 115-month sentence. See id.

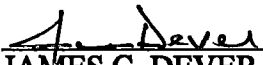
The court has discretion to reduce Jones's sentence under Amendment 782. See, e.g., Dillon v. United States, 560 U.S. 817, 827 (2010); United States v. Peters, 843 F.3d 572, 574 (4th Cir. 2016); United States v. Patterson, 671 F. App'x 105, 105–06 (4th Cir. 2016) (per curiam) (unpublished); United States v. Cole, 618 F. App'x 178, 178–79 (4th Cir. 2015) (per curiam) (unpublished); United States v. Thomas, 546 F. App'x 225, 225–26 (4th Cir. 2013) (per curiam) (unpublished); United States v. Perez, 536 F. App'x 321, 321 (4th Cir. 2013) (per curiam) (unpublished); United States v. Smalls, 720 F.3d 193, 195–97 (4th Cir. 2013); United States v. Mann, 709 F.3d 301, 306–07 (4th Cir. 2013); United States v. Stewart, 595 F.3d 197, 200 (4th Cir. 2010). In deciding whether to reduce Jones's sentence, the court finds that Jones engaged in serious criminal behavior. See PSR [D.E. 31] ¶¶ 6–9. Moreover, Jones is a violent recidivist and has convictions for possession of cocaine (two counts), assault on a female (two counts), resisting a public officer, assault to inflict serious injury, assault with a deadly weapon, assault on a government official, and breaking and entering (two counts). See id. ¶¶ 11–31. Jones also has performed poorly on supervision and has a spotty work history. See id. ¶¶ 15, 20–22, 42–49. Jones has taken some positive steps while incarcerated on his federal sentence, but he has been sanctioned for fighting (three times), threatening bodily harm, and being absent from an assignment and failing to work as instructed. See Resentencing Report; cf. Pepper v. United States, 562 U.S. 476, 491 (2011).

Having reviewed the entire record and all relevant policy statements, the court finds that Jones received the sentence that was “sufficient, but not greater than necessary” under 18 U.S.C. § 3553(a). Further reducing Jones's sentence would threaten public safety in light of his serious criminal conduct, serious criminal history, and serious misconduct while incarcerated. Cf. U.S.S.G. § 1B1.10, cmt. n.1(B)(ii). Thus, the court denies Jones's motion for reduction of sentence under

Amendment 782. See, e.g., Patterson, 671 F. App'x at 105–06; Cole, 618 F. App'x at 178–79; Thomas, 546 F. App'x at 225–26; Perez, 536 F. App'x at 321.

In sum, the court DENIES Jones's motions for reduction of sentence [D.E. 73, 75].

SO ORDERED. This 19 day of May 2018.

  
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JAMES C. DEVER III  
Chief United States District Judge